others at Lucknow. Now, Prof. Saurin Bhattacharya.

PROF. SAURIN BHATTACHARYA (West Bengal): Thank you, Mr. Vice-Chairman, Sir.

This Bill, I am afraid, is designed to make an inroad into the area of State autonomy as never done before. For example, there is one body which is in existence for long, namely, the National Council for Educational Research and Training. They are not an affiliating or recognising body. They only prescribe the modern syllabi and lay down the methods to be followed in education and other things. They are not given the right to affiliate any educational institution.

The University Grants Commission which is responsible for the upkeep of standards in the field of higher education is also not a recognising institution. Certain Central universities are financed directly by the University Grants Commission. Otherwise, in the matter of policy, in the matter of curricula, in the matter of syllabi and in other respects, the universities function autonomously. When it is not there, the autonomy of the universities loses any meaning. Here, really a national affiliating body has been proposed in this National Council. Regional bodies will be under the National Council. These are not State bodies. These are regional bodies or regional authorities in different parts of the country, and they will affiliate the teachers training institutions, will standardize the teachers training institutions, will ensure that the quality and standard are maintained from the Centre at Delhi.

At present the biggest training institutions are under the affiliation of the universities, so far as the training standards for secondary education are concerned. In the case of primary teachers training institutions, these are recognized by the State Government's Education Department, appropriate to that particular standard of education. Taking advantage of the Concurrent List clause, it is possible to make an inroad into the field of university autonomy. That is one question. The other is, neither of these bodies has any democratic content. Neither the National Council nor its Executive Committee nor the Regional Council has any room for any democratic representation of teachers. There is provision for some specialists in the field, but they will be nominated persons. There is no provision for election anywhere, whereas in the field of education this representation is an important matter. From this aspect, with only a few to quote, this is a very inadvisable step.

Yesterday the Minister, while presenting the Bill before the House, referred to a particular object—phasing out the teachers training institutions which do not conform to standards, etc., etc. If one institution doesn't conform to the standards, you may give it some time to improve the standards. But the question is, who will determine, with academic authority? The National Council is hardly an academic authority by its composition. And so also the Regional Council. So these, I should say, would hardly fulfil the purpose of improving the quality of teachers training, would hardly make the teachers training institutions of a uniform pattern, of a uniform standard and will rid them of all weaknesses, because the structure suggested of these bodies is full of various weaknesses.

I would request the Government to have a fresh look into it to rid it of these weaknesses and thereafter come before the House. Perhaps that will serve its full purpose.

Thank you.

STATEMENT BY MINISTER

Judicial remand of Shri L. K. Advani and others

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Mr. Vice-Chairman, Sir, The CBI case RC8(S)/92-SIC-II/SIC-4 relating to the demolition

[Shri S. B. Chavan]

of the disputed Ram Janma Bhoomi-Babri Masjid structure at Ayodhya on 6th December, 1992 was listed for hearing on 7.12.1993 in the Court of Special Additional Chief Judicial Magistrate, CBI, Lucknow, for the personal appearance of the accused.

At the end of the day's proceedings, the Court passed orders for furnishing of sureties/personal bonds in respect of the summoned accused persons. In view of the refusal by the accused persons to furnish the same, the Court inter-alia ordered that S/Shri L. K. Advani, Vinay Katiyar, Dr. Murli Manohar Joshi and Satish Pradhan, all MPs, and Shri Kalyan Singh, MLA, UP Vidhan Sabha, Acharya Giriraj Kishore and Shri Jai Bhan Singh Paweya, Vice-President, Bajrang Dal, should be remanded to judical custody till 20th December, 93. The CBI Counsel did not object to the release of the accused persons on bail.

The accused persons include 4 Hon'ble MPs. The Secretary General, Lok Sabha, and the Secretary General, Rajya Sabha, were informed about the arrest of the Hon'ble MPs.

It is relevant to clarify that the Court had ordered the release of Shri L. K. Advani and other Hon'ble MPs on bail, on furnishing of personal bonds. He ordered their remand to judicial custody only on ther refusal to furnish personal bonds. I request the Hon'ble Members to consider the whole issue in the proper perspective.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now clarifications by the hon. Members.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Sir, the Home Minister in the end says:

> "I request the hon. Members to consider the whole issue in the proper perspective."

Today the Question Hour and most of the other proceedings were disrupted by the Members of the BJP on the ground that Mr. Advani and others had been sent to jail. Now the Home Minister has clarified that their being sent to jail was only because of their refusal to follow the due process of law which required them to give personal bonds. Since no one is above law, if they had really valued their freedom and wanted to be out of jail, they should have gone according to law and furnished personal bonds. So, it is on their own choosing that they are today in jail.

However, Mr. Vice-Chairman, Sir, the issue, as the Home Minister said, should be put in a proper perspective. I would like this House to know and also to learn from the Government what they propose to do to keep this Ayodhya issue off the nation's agenda. It was brought on the nation's agenda by the BJP primarily because of political considerations and political profit they would reap by it. It is not because of great love for Ram that they have raised this issue. If they had great love for Ram, then, all things connected with Ram would have found equal favour with them. They are talking about building a temple for Ram at his birth-place which is the origin of the conflict. But Ram himself built a temple with his own hands, at least consecrated with his own hands, which is lying in ruins, about which the BJP never talks. When Ram went to Sri Lanka, finished Ravana and returned to Rameshwaram, he built a Shiva Temple in Rameshwaram. The BJP never talks about that particular Ram Temple or has not taken any steps to rebuild that temple. Kailash and Mansarovar are not in India. It is in the hands of China. The BJP never talks about them. The obvious reason is that there was the Masjid there, that that Masjid could be converted into an object of hate and that through generating this hate, they could consolidate very quickly the Hindu votes through the passions that would be aroused by it. That was the reasons why they took up the Mandir issue in Ayodhya. Otherwise, they would never touch it. In other words the BJP is

not pro-Hindu; it is anti-Muslim. Since then they successfully managed, due to the incompetence of the Congress Government to put this on the nation's agenda. Thanks to the Uttar Pradesh electorate this issue temporarily has got off the nation's agenda, but due to mismanagement it may come once again on the nation's agenda. What I would like to ask the Home Minister is this. After all in the district of Faizabad the BJP lost all the seats and even in the City of the Ayodhya they were able to win very clear. They do not want this 420 any more. They want this matter to be ended. I would like in conclusion to point out that we should not be easily swaped by the amount of—I cannot use in Parliament that word; so, I would like to say-untruth because that is a terminological inexactitude, according to May's Parliamentary Practice. After all Mr. Advani went on the international TV to says that 20 temples were destroyed in Kashmir and no secular Hindu has spoken about it. After that journalists went to Kashmir and found out that not one of those 20 temples had been damaged. When they confronted Mr. Advani with his statement, he said he had nothing more to say on that. That means he was caught telling a blatant untruth. Again by a fax machine in Apodhya he sent in his resignation from his position of the Leader of the Opposition in the Lok Sabha. He was sorry that the Masjid was demolished. He did not know about it. He was sorry about it and was ashamed about it. That is why he resigned from that position. But, now the transcript of the telephonic conversation between Mr. Advani and Mr. Kalyan Singh, which has been submitted along with the charge-sheet, says Mr. Advani had been monitoring the demolition of the Masjid from the very beginning. He, in fact tells Kalyan Singh: "Do not resign just now. Resign at 5 o'clock. Only one *gumbad* has been destroyed so far. Two more are to go. When the other two also are destroyed, then I will telephone you to resign." And Kalyan Singh resigns at 5 o' clock This is another blatant untruth that he has uttered/It is not the first time. Mr. Advani has been doing this as a practice. The whole of the today is to exploit the hamhandedness of the Government to bring back Ayodhya once again on the agenda. We must guard against that. In my opinion the only way you can keep Ayodhya from getting back on the national agenda is by declaring the Rashtriya Swayam Sevak Sangh, which is the core organisation, a terrorist organisation. The BJP is not a political party. It is a political front of the RSS. Vishwa Hindu Parishad is a religious front of the RSS. The Rashtriya Swayam Sevak Sangh should be declared as a terrorist organisation and all their prominent leaders should be booked under TADA. That is the only way you can keep Ayodhya off the nation's agenda. This is what I demand from the Home Minister.

DR. YELAMANCILI SIVAJI (Andhra Pradesh): Even in the mythology you see whoever is close to Rama, he will be punished whether it is Dashratha or his own mother, Kaushalya, or Kaikeyee, who adopted Rama and brought him up or his own wife, Sita, or his both sons, Lava and Kusha as well as Anjaneya. All were subjected to hardships.

SHRI CHATURANAN MISHRA (Bihar): Not Hanuman.

DR. YELAMANCHILI SIVAJI: Anjaneya means Hanuman. In Andhra Pradesh we know there was a temple by

name Bhadrachalam Sri Rama temple. That temple was constructed by Bhakta Ram Das. He was imprisoned for constructing the temple. Probably Advani and others may not be aware of these facts. And there was a Minister in Andhra Pradesh, late Kallur Chandramouli. He was resepted by one and all in the State. In the composite Madras State also he was a Minister. He was the Minister for Religious Endowments.

He took up the cause for renovation of the Bhadradri temple as Chairman temple renovation committee and during the course of renovation of the Bhadradi temple he lost his job. So I would like to advise our frieds on this side, it is better to worship lords like Siva or Krishna instead of Rama to avoid these hardships of imprisonment and other things. For worshipping Rama, even Anjaneye had to undergo a lot of hardship.

There was a story. One of the villagers in a village could not know the whereabouts of his wife. So he travelld all through to a far off place to prty to Rama to let him know the whereabouts of his wife. It seems immediately Rama asked him, "There is a temple of Anjaneya in your village. Why did you come to the Rama temple which is located for away from your place?" He could not answer. Rama told him further, "Even the whereabouts of may wife Sita were found out by Anjaneya. There is no point in your coming all through to Rama's temple. It is better to go back to your village and pray to Anjaneya." So all these things portray it is better for the BJP also to believe either Lord Siva or Lord Vishnu somebody else or Ayyappa but r Rama.

I would like to know from the h Minister,why CBI has taken such a lo time, more than a year, to file a char sheet in the court of law. What p vented the Government and the C from expediting the process? What the conditionalities for a personal bon The hon. Minister had mentioned that the basis of a personal bond, the co was prepared to release Mr. Adva What prevented the Minister from is ing a statement as soon as the mat decided by the court to send them judicial custody? They took more t 24 hours. It could have been done the earlier part of the day to avoid this hullagueq and noise in the Ho Thank you. (Ends).

श्री मोहम्मद अमीन (पश्चिमी बंगाल) वाइस चेयरमैन सर, होम मिनिस्टर साहब जो बयान दिया है, उससे यह बात समझ आती है कि जिन लोगों को अदालत ने जमा लेने को कहा था, उन्होंने चूंकि जमानत न ली है, इसलिये उनको जेल जाना पड़ा। अब इस पर बी०जे०पी० के लोग क्योंएतर कर रहे हैं, यह बात समझ में नहीं आती क्योंकि यह कानूनी मामला है और कानून मुताबिक कार्रवाई हुई है, इसलिये आगे चल हमारे अदालती निजाम पर इसका क असर पड़ेगा, यह देखना है। मुल्क के स भी यह चाहते हैं कि इस पूरे मामले सख्ती के साथ निपटा या जाय। लेकि मस्जिद को टूटने पूरा एक साल गुजर गया, कानूनी कार्रवाई बहुत सुस्त रफ्तारी से रही है और सरकार की तरफ से

एलानात और बयानात जारी किय जाते हैं, उनसे यही बात समझ में आती है कि हुकुमत इस मामले में अभी सीरियस नहीं है। इस पूरे दास्तान के पीछे ब सबसे बड़ा अलमिया जो है वह यह है कि इस मसले को सुलझाने की पुरखलूस कोशिशें नहीं हुई और इससे मिसयासी फायदा उठाने की कोशिश हुई। ऐसा कांग्रस ने भी किया और बी०जो०पी० ने भी किया। अभी हाल ही में जो पांच रियासतों में चुनाव हुए और उनमें अवाम ने जो फैसला किया है उसके अंदर उम्मीद की एक किरण फूटती है। उत्तर प्रदेश के लोगों ने बी०जे०पी० और कांग्रेस दोनों को रिजक्ट किया है। इसके यह मायने निकलते हैं कि इस मस्जिद को तोड़ने के पीछे इन दोनों का ही हाथ है। इसीलिये उत्तर प्रदेश की अवाम ने इन दोनों पार्टियों से मुंह मोड़ लिया है। मस्जिद टूटने के बाद वजीरे आजम ने यह एलान किया था कि मस्जिद उस जगह पर बनायी जायेगी लेकिन अब इधर उनके हालिया बयानात में तबदीलियां आ रही है और बाज हजरात यहां तक कि होम मिनिस्टर साहब ने भी यह बयान दिया है कि यह मामला तो अदालत के सुपुर्द कर दिया गया है। अदालत के सुपुर्द भी दफा 143 के तहत किया गया है। कम से कम मेरी पार्टी सी० पी० एम० ने उसी दिन यह वार्निंग दी थी कि इसको जरे दफा 138 के तहत अदालत के सुपुर्द किया जाए ताकि यह मामला फाइनली हल हो जाए। दफा 143 के तहत देने का मतलब यह हुआ कि अदालत जो फसला करेगी वह लाजमी या आखरी नहीं होगा बल्कि उसके बाद अपील का दरवाजा खुला रहेगा और यह मामला बरसों-बरस लटकता रहेगा। हमारे मुल्क की तारीख गवाह है कि इस वाकय को मरकज बना कर जो कुछ हुआ, जितना हंगामा हुआ उसकी मिसाल तारीख में मुश्किल से मिलेगी। लेकिन इतने बड़े वाक्य के बाद भी हकूमतने उससे कोई माकूल सबक सीखा नहीं और इस मामले को हल करने के लिए कोई पुर-पुरखलूस कोशिश नहीं हो रही है। पांच रियासतों के चुनाव में दीगर जिन रियासतों में कांग्रेस को वोट मिला जैसे हिमाचल प्रदेश और मध्य प्रदेश इसका मतलब यह नहीं समझना चाहिये कि इन दो रियासतों के आवाम ने कांग्रस पार्टी की पॉलिसी की हिमायत की है बल्कि उनके सामने कोई दूसरा रास्ता नहीं था इसलिए उन्होंने कांग्रस पार्टी को वोट दे दिया इससे यह नतीजा निकलता है कि इस मस्जितद को तोड़ने में बहुत सालेरे लोगों का नाम आया है। सी० बी० आई० ने भी अपनी रिपोर्ट में कहा है। ऐसे बाकी लोगों के खिलाफ क्या कार्य-वाही की गई है, इस बयान से कुछ पता नहीं चलता है। जिस ढंग से ढीले-ढाले ढंग से कार्यवाही चल रही है उससे आखिरकार इन मुलजिमों को सजा मिलेगी या नहीं मिलेगी इस पर गहरे शकूक हैं। मस्जिद के टूटने के बाद कुछ नेताओं को गिरफ्तार किया गया यह बात सब को मालूम है। लेकिन उनको जितने अच्छे तरीके से शहाना तरीके से रखा गया इतनी खातिर तो ससुराल में भी किसी की होती है (व्यवधान) बाद में उनको रिहा कर दिया गया। इससे भी मुल्क के लोगों ने यह नतीजा निकलाला कि बी०जे०पी० के जिन नेताओं ने इस मामले को बिगाड़ा हकूमत उनके खिलाफ कोई सख्तगीर रवयत अख्तियार नहीं करना चाहती है और मिसलिह की एक पॉलिसी पर रही है। इस बयान से यह तमाम बातें साफ नहीं हो रही हैं। हकूमत अपना दामन साफ करने के लिए डट कर कदम उठाए। मुल्क का अवाम यह चाहता है कि अयोध्या का मसला हल हो जाए ताकि हमारे मुल्क के इत्तहाद और सलामती के लिए इतना बड़ा जो खतरा पदा हो गया है उससे मुल्क को बचाया जा सके। शुक्रिया।

کرن پھوٹتی ہے۔ اتر پردیش کے لوگوں نے بی۔ جے۔ پی اور کانگریس دونوں کو رجیکٹ کیا ہے۔ اس کے یہ معنی نکلتے ہیں کہ اس مسجد کو توڑنے کے پیچھے ان دونوں کا ہی ہاتھ ہے۔ اسی لیے اتر پردیش کے عوام نے ان دونوں پارٹیوں سے منہ موڑ لیا ہے۔ مسجد ٹوٹنے کے بعد وزیر اعظم نے یہ اعلان کیا تھا کہ مسجد اسی جگہ پر بنائی جائے گی۔ لیکن اب ادھر انکے حالیہ بیانات میں تبدیلیاں آرہی ہیں۔ اور بعض حضرات یہاں تک کے ہوم منسٹر صاحب نے بھی یہ بیان دیا ہے کہ یہ معاملہ تو عدالت کے سپرد کر دیا گیا ہے۔ عدالت کے سپرد بھی دفعہ ۱۴۳ کے تحت کیا گیا ہے کم سے کم میری پارٹی سی۔ پی۔ ایم نے اسی دن یہ وارننگ دی تھی کہ اس کو وزیر دفعہ ۱۴۳ کے تحت عدالت کے سپرد کیا جائے تاکہ یہ معاملہ فائنلی حل ہو جائے۔ دفعہ ۱۴۳ کے تحت دینے کا مطلب یہ ہوا کہ عدالت جو فیصلہ کرے گی وہ لازمی یا آخری نہیں ہوگا بلکہ اس کے بعد اپیل کا دروازہ کھلا رہے گا۔ اور یہ معاملہ برسہا برس لٹکتا رہے گا۔ ہمارے ملک کی تاریخ گواہ ہے کہ اس واقعہ کو مرکز بنا کر جو کچھ ہوا جتنا ہنگامہ ہوا اس کی مثال تاریخ میں مشکل سے ملیگی۔ لیکن اتنے بڑے واقعہ کے بعد بھی حکومت نے اس سے کوئی معقول سبق سیکھا نہیں

شری محمد امین "مغربی بنگال": وائس چیرمین سر۔ ہوم منسٹر صاحب نے جو بیان دیا ہے۔ اس سے یہ بات سمجھ میں آتی ہے کہ جن لوگوں کو عدالت نے ضمانت لینے کو کہا تھا انہوں نے کیونکہ ضمانت نہیں لی ہے اس لیے ان کو جیل جانا پڑا ہے۔ اب اس پر بی۔ جے۔ پی کے لوگ کیوں اعتراض کر رہے ہیں۔ یہ بات سمجھ میں نہیں آتی ہے۔ کیونکہ یہ قانونی معاملہ ہے اور قانون کے مطابق کارروائی ہوئی ہے اس لیے آگے چل کر ہمارے عدالتی نظام پر اس کا کیا اثر پڑے گا یہ دیکھنا ہے۔ ملک کے لوگ بھی یہ چاہتے ہیں کہ اس پورے معاملہ کو سختی کے ساتھ نپٹایا جائے۔ لیکن مسجد کو ٹوٹے پورا ایک سال گزر گیا پر قانونی کارروائی بہت سست رفتاری سے ہو رہی ہے اور سرکار کی طرف سے جو اعلانات اور بیانات جاری کیے جاتے ہیں ان سے یہی بات سمجھ میں آجاتی ہے کہ حکومت اس معاملہ میں ابھی سیریس نہیں ہے۔ اس پوری داستان کے پیچھے سب سے بڑا المیہ جو ہے وہ یہ ہے کہ اس مسئلہ کو سلجھانے کی پر خلوص کوششیں نہیں ہوئیں۔ اور اس سے سیاسی فائدہ اٹھانے کی کوشش ہوئی۔ ایسا کانگریس نے بھی کیا اور بی۔ جے۔ پی نے بھی کیا۔ ابھی حال میں جو پانچ ریاستوں میں چناؤ ہوئے اور ان میں عوام نے جو فیصلہ کیا ہے اس کے اندر امید کی ایک

کوئی سخت گیر رویہ اختیار نہیں کرنا چاہتی ہے اور مصالحت کی ایک پالیسی پر رہی ہے۔ اس بیان سے یہ تمام باتیں صاف نہیں ہو رہی ہیں۔ حکومت اپنا دامن صاف کرنے کیلئے ڈٹ کر قدم اٹھائے۔ ملک کا عوام یہ چاہتا ہے کہ ایودھیا کا مسئلہ حل ہو جائے تاکہ ہمارے ملک کے اتحاد اور سلامتی کے لیے اتنا بڑا جو خطرہ پیدا ہو گیا ہے اس سے ملک کو بچایا جا سکے۔ شکریہ۔

"ختم شد"

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, लगता यह है कि जो राम जन्म भूमि और बाबरी मस्जिद के विवादित ढांचे का मामला है, इसको वर्तमान केन्द्र सरकार सुलझाना नहीं चाहती है बल्कि उलझाना चाहती है। लोकतंत्र में सब से बड़ी अदालत जनता की होती है और जनता की अदालत ने चाहे आडवाणी जी हों, चाहे मुरली मनोहर जोशी हों या उनकी पार्टी के और नेता हों, सब को सजा दे दी है क्योंकि जिन राज्यों में इनकी सरकारें थीं उनमें से कम से कम उत्तर प्रदेश और हिमाचल प्रदेश में उनकी सरकारों का खात्मा हो गया है (व्यवधान) मध्य प्रदेश पर भी आ रहा हूं। मध्य प्रदेश से भी भारतीय जनता पार्टी की सरकार समाप्त हो गई है। मैं जानना चाहता हूं कि सी०बी०आई० ने जो चार्जशीट दाखिल की है, किन किन धाराओं के अन्दर चार्जशीट दाखिल की गई है।

اور اس معاملہ کو حل کرنے کے لیے کوئی پرخلوص کوشش نہیں ہو رہی ہے۔ پانچ ریاستوں کے چناؤ میں دیگر جن ریاستوں میں کانگریس کو ووٹ ملا جیسے ہماچل پردیش اور مدھیہ پردیش اس کا مطلب یہ نہیں سمجھنا چاہیے کہ ان دو ریاستوں کے عوام نے کانگریس پارٹی کی پالیسی کی حمایت کی ہے بلکہ ان کے سامنے کوئی دوسرا راستہ نہیں تھا۔ اس لیے انھوں نے کانگریس پارٹی کو ووٹ دے دیا۔ اس سے یہ نتیجہ نکلتا ہے۔ اس مسجد کو توڑنے میں بہت سارے لوگوں کا نام آیا ہے۔ سی۔ بی۔ آئی۔ نے بھی اپنی رپورٹ میں کہا ہے۔ ایسے باقی لوگوں کے خلاف کیا کارروائی کی گئی ہے۔ اس بیان سے کچھ پتہ نہیں چلتا ہے۔ جس ڈھنگ سے ڈھیلے ڈھیلے ڈھنگ سے کارروائی چل رہی ہے اس سے آخر کار ان ملزموں کو سزا ملے گی یا نہیں ملے گی اس پر گہرے شکوک ہیں مسجد کے ٹوٹنے کے بعد کچھ نیتاؤں کو گرفتار کیا گیا۔ یہ بات سب کو معلوم ہے لیکن انکو جتنے اچھے طریقہ سے شاہانہ طریقہ سے رکھا گیا۔ اتنی خاطر تو سسرال میں بھی کسی کی ہوتی نہیں ہے۔ ... "مداخلت"... بعد میں انکو رہا کر دیا گیا۔ اس سے بھی ملک کے لوگوں نے یہ نتیجہ نکالا کہ بی۔ جے۔ پی کے جن نیتاؤں نے اس معاملہ کو بگاڑا۔ حکومت انکے خلاف

What are the offences with which Mr. Advani and others have been charged?

दूसरा, यह जो कुछ लोग यह समझ बैठे हैं कि इससे भारतीय जनता पार्टी की बहुत गहरी पराजय हुई है, इससे मैं सहमत नहीं हूं क्योंकि उत्तर प्रदेश में आज भी भारतीय जनता पार्टी भले ही सरकार में न हो लेकिन जिन 419 विधानसभा सीटों के नतीज वहां पर आए उनमें 177 सीटों पर भारतीय जनता पार्टी जीती है और 166 असेम्बली सीटों पर भारतीय जनता पार्टी नम्बर दो पर है। जो लोक सभा के सेगमेंट्स है उनका हिसाब आप लगाएं तो 85 में से 44 लोक सभा की ऐसी सीटें हैं जहां पर आज भी भारतीय जनता पार्टी जीती है, ठीक उसी तरीके से जिस तरीके से 1991 के लोक सभा के चुनाव में मध्य प्रदेश में करीब करीब 187 लोकसभा सेगमेंट्स में कांग्रस पार्टी जीती थी। उत्तर प्रदेश में आज भी 44 सीटों में जीती है। पिछली चार बार 1991 में जब चुनाव हुए थे तो भारतीय जनता पा र्टी के वोटों का प्रतिशत था 31 जो अब हो गया है 33 प्रतिशत। दो परसेंट उनका वोट वहां पर बढ़ा है। चाहे हिमांचल हो वहां भी दो नम्बर पर यह पार्टी आई है। राजस्थान में उनकी सरकार बन गयी है। दिल्ली में जहां किसी की सरकार नहीं थी वहां उनकी सरकार बन गयी है। सरकार ही नहीं बनी है बल्कि यहां पर दिल्ली में कांग्रेस को 70 में से केवल 14 सीटें मिलीं जबकि भारतीय जनता पार्टी को 49 मिलीं। इस बात को मैं इसलिए कह रहा हूं कि इस मामले को आपको लटकाना नहीं चाहिए और सी०बी०आई० ने विशेष अपर मुख्य न्यायिक मैजिस्ट्रेट, केन्द्रीय जांच ब्यूरो, लखनऊ न्यायालय में जो उनके खिलाफ मुकदमा दाखिल कर रखा है, मेरा आपसे अनुरोध है कि इस मुकदमे को आप वापस लेने की कृपा कीजिए। जनता उनको सजा दे चुकी है.. (**व्यवधान**) .. 1977 के बाद जब जनता पार्टी सरकार में आई उस समय के विधि मंत्री ने यह राय दी थी कि श्रीमती इंदिरा गांधी के खिलाफ कोई भी मुकदमा न चलाया जाए (**व्यवधान**)

एक माननीय सदस्य : यह मामला कोर्ट में सबजूडिस्ट है (**व्यवधान**)

श्री सत्य प्रकाश मालवीय :

You can withdraw it. You can withdraw it... (*Interruptions*)... The Government has always a power to withdraw the case from the court... (*Interruptions*)...

मेरा यह कहना है कि 1977 में भी उस वक्त के तिथि मंत्री ने यही राय दी थी कि (**व्यवधान**)

श्री विश्वजित पृथ्वीजित सिंह (महाराष्ट्र): यह आपकी पार्टी का व्यू है? यह जो बात कह रहे हैं .. (**व्यवधान**) ..

श्री सत्य प्रकाश मालवीय। हां, मैं अपनी पार्टी को बिलांग करता हूं।

श्री विश्वजित पृथ्वीजित सिंह : जो आप यहां वक्तव्य दे रहे हैं वह आपकी पार्टी की ओर से है?

श्री सत्य प्रकाश मालवीय: मैं अपनी पार्टी की रिप्रजेंट करता हूं (**व्यवधान**)

[श्री सत्य प्रकाश मालवीय]

मैं यह निवेदन कर रहा था कि लोकतंत्र में जनता की अदालत सबसे बड़ी अदालत होती है और किसी पार्टी और किसी पार्टी के नेताओं को आप पोलिटिकल माइलेज देने का काम न करिये तथा सारे मुकदमों को विद्ड्रा करने का काम कीजिए । एक तो मेरा आपसे यह अनुरोध है । दूसरा जो केन्द्र सरकार ने सारे विवादित ढांचे का मामला सर्वोच्च न्याय-आलय में भेज रखा है वह संविधान के अनुच्छेद 143 में भेजा है । हम लोगों की मांग उस समय भी यही थी कि संविधान के अनुच्छेद 138 में भेजा जाए। अब उत्तर प्रदेश में एक विधिवत निर्वाचित सरकार, लोकप्रिय, जनप्रिय सरकार है मेरा आपके जरिए केन्द्र सरकार से अनुरोध है कि सारे मामले को 143 की बजाए संविधान के 138 में आप रेफर करने की कृपा करें ।

SHRI VISHVJIT P. SINGH: Mr. Vice-Chairman, Sir, before I start seeking my clarifications, I think, I would be greatly amiss if I do not make a request to you regarding the expunction of certain objectionable remarks. Sir, just a little while ago, Dr. Sivaji has said certian highly objectionable things about Lord Rama. All said and done, I don't think it imparts any dignity to this House if we allow those sentences which have been uttered, to remain on record. I request you to kindly examine the record and expunge that portion of his speech which has no bearing at all on this issue and which contains some gratituitous comments on Loard Rama. I would be grateful if those remarks are expunged. Let that be done.

Basically I have two questions to ask. The first question is, under what sections of the Penal Code are these various people who have been detained charged? What are the charges against them? I would like to know the exact nature of the charges which you have made.

The Vice-Chairman (Shri MD. Salim) in the Chair.

And the second question is, we have seen the BJP over a period of time changing its stance as times change. They are definitely aware and alive to the change in circumstances and they gear themselves up in the way the circumstances change. The same people—I would like the hon. Home Minister to correct if I am wrong—if I am not wrong, the same people, the same Messrs Advani, Murli Manohar Joshi, etc. have been charged in a related case relating to the demolition, in a related case, in a similar court in District Lalitpur. And what had been their attitude? If I remember correctly they had at that point of time, wanted bail and accepted bail. They had asked for release themselves. At that time they had not yet lost elections in U.P. They did not want to cash in. Today they want to make political mileage out of it. That is way they have gone to the court with the deliberate intention of not coming out and going to jail. They have done this deliberately. It is purely because they have suffered an electoral reverse. If I am not wrong, the presiding officer of the court, the Additional Chief Judicial Magistrate, in Lucknow had mentioned specifically the previous case and had mentioned that as was done in the previous case in district Lalitpur where they were released upon bail, they would be released on personal sureties and bonds in this court also. I would like the Home Minister to kindly reply to this. Is this not a fact? If this is not a fact, let us beware of what we are trying to do. They are now, once again, trying to seek public sympathy which they have lost during this election. They are once again seeking public sympathy. Through your good offices, Mr. Vice-Chairman, I would like to warn the hon. Home Minister. I know there were a lot of things said to you like what was said by my friend, Mr. Malaviya, who seemed to have changed the colour overnight. When we went in for the elections he was a different man. I came back and I found him a different man. He seems to have changed his colour entirely. His entire ideology has changed. Similarly pressures are going to come upon the Home Minister. Lots of people are going to say, "go soft on them; they are going to make caiptal out

of it". I am telling you, Mr. Home Minister, be hard, be stern, be firm and don't let them escape. You must be firm. Every post-demolition action of the Government of India has shown its firmness of intention. The Governments were dismissed, the conspiratorial Governments were dismissed. The conspiracy was exposed. Various efforts were made over a long period of time to file these cases properly. We were not in a hurry to file these cases. We wanted them to be properly complete, all the investigations to be done, to create water-tight files so that we know exactly what was going on there and then we had gone to file the cases. The cases were filed in due course of time. at the correct point of time. The charge-sheet was filed. Today these people are in custody. I say, "Don't let them go." Don't let them go unpunished. Let us, once and for all, get to the root of this matter and root out this evil from within our society. Thank you.

SHRI N. GIRI PRASAD (Andhra Pradesh): Mr. Vice-Chairman, Sir, the whole country is relieved of the problem to some extent by the results in the last Assembly elections. Unfortunately, a major political party like the Bharatiya Janata Party, has put this Ayodhya issue on the top of its agenda. Naturally people all over the country are concerned about it. What the people want is unity and amity among various sections of the people. Perhaps, I believe, at least that is my hunch, that they have not done it either for the sake of Ram or for the sake of even Hindus who they want to support. The Governments which were set up in those States earlier by the B.J.P. have completely failed to fulfil their own promises. They were losing the ground. They were getting alienated from the people. They were following the same corrupt practices which were adopted in the earlier regimes. So, people could not find any difference between the past Governments and their Government. When they started losing ground, they wanted something to be on the agenda. They knew that if they go to the people in the next elections without doing some drastic things, people will ask them, "What have you done by coming to power in these States and hwat are your policies?" That is why they have brought this Ayodhya issue on the top of the agenda. This issue was there for many years. Some people were quarrelling with each other. They could have resolved this matter through courts and through some other means. Unfortunately, this Government also played into their hands. don't want to go into that aspect. Why did the Government not intervene in time to protect the Mosque? All these things were there. Even now that issue is pending before the Supreme Court, seeking advice whether a temple was existing there or not. This was the matter which came up between the two sides. But after the demolition a lot of bloodshed was there. Now this matter is referred to the Court advice. I don't know whether it is going to serve any useful purpose. I am not clear about it. Now I come to the point. How will this Government deal with this problem? Mr. Advani and other people are not arrested for the first time. They were arrested soon after the demolition. Then some cases were filed against them during the course of the elections. When Mr. Advani and others were arrested, they took up these issues as if they were the victims. Actually the people of the country were the main victims of this communal flare up. Two thousand lives were lost. Instead of feeling sorry about it, they were trying to justify their position. They tried to rouse the sentiments of the people. They wanted to come to the limelight by this act. So, electroal battles were fought. People in these States, particulraly of Uttar Pradesh, deserve congratulations of the whole House. Those persons who are elected to the Assembly became Minister or Chief Minister, though they were not represented in this House still they represent secularism and unity or the country. In spite of their differences with other parties, most of the political parties extended support to them with the sole purpose that they would protect secularism and unity among the people and remove com-

[Shri Giri Prasad]

munalism from a major State like Uttar Pradesh. I don't know what the Home Ministry is going to do. What is its aim? I am not clear about it. They are arresting them and releasing them. All these people are guilty. There is no second opinion about that. One section has planned and conspired the whole thing. This section belongs to people who did not participate directly in this issue. Perhaps these leadars belong to that category. The other section of people went there to demolish the mosque. That is all a political game. They deserve punishment under the law for all their misdeeds. They have received some punishment at the hands of the people. But what kind of punishment is the Government going to give them by prosecuting them after one year? This is purely a personal opinion. I would like to know whether this case can be bifurcated.

I would like to know whether the actual people who participated in the criminal act can be separated from the so-called leaders who inspired, conspired or prompted the people to do the same by their speeches. Can they be separated? The BJP should not get another leeway for prompting or provokating people. Whatever it is, if the Government wants to prosecute everybody and it has evidence against them, the Government has every right to do it. I do not deny it its right. The BJP cannot expect any sympathy from any section of the people. As far as politics is concerned, the Government should consult the other parties on how to proceed with it. The guilty should be punished.

THE VICE-CHAIRMAN (SHRI Md. SALIM): I have to inform hon. Members that hon. Deputy Chairman has received the following letter from Shri M. V. Chadnrashekhar Murthy, Minister of State in the Ministry of Finance:

"I was to make a *suo motu* statement today at 5.30 P.M. on the floor of the House in order to announce an important concession in the Income Tax Act. Due to exigency of circumstances, I regret I pill not be able to make the statement today. I may, therefore, be kindly permitted to make the statement tomorrow, the 9th December, 1993 at any convenient time. The inconvenience caused is deeply regretted."

SHRI V. NARAYANASAMY (Pondicherry): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Restrict yourselves to seeking clarifications.

PROF. SAURIN BHATTACHARYA (West Bengal): This injunction has come too late. Everything has been dealt with except the subject-matter.

SHRI V. NARAYANASAMY: From the sattement I find that the hon. Home Minister has been very harsh in dealing with these people. But the statement seems to be a little soft. In the statement, he says, "The CBI Counsel did not object to the release of the accused persons on bail." Why did the CBI Coupnsel not object? These people were involved in the demolition of the mosque and they do not deserve any sympathy. A warrant was issued to them that they should be put behind bars. Even the CBI Counsel could object to the granting of bail. I would like to know from the hon. Minister whether this is bailable or non-bailable. I do not know the section under which they have been charge-sheeted. I think it should be non-bailable keeping in view the enormity of the offence committed by them. Secondly, some hon. Members have said that there was delay—a delay of more than one year. I know the problems, because this involves a lot of procedure. I would like to know whether it is a fact that the CBI wanted to charge-sheet the BJP leaders who have been arrested now, at the time of elections. The BJP leaders were expecting a warrant from the CBI officers at that time so as to make use of it in the election campaign. So the point is very clear. Even when they were asked to give personal bonds they refused to do so because they wanted to make a political gains out of it. Therefore,

they need no sympathy and they should be dealt with accoding to law. I would like to seek clarifications from the hon. Minister in a different way. Now the matter has been referred to the Supreme Court on the order of the hon. President. But the matter is dragging on. My information is that they would be submitting the advisory opinion of the Supreme Court within four months. Now eight months have elapsed. This is the issue which helped the BJP to include it in their election manifesto as well as in their party affairs. I would like to know at what stage the matter is pending before the Supreme Court. When will the Government be getting the advisory opinion of the Supreme Court? When is the Government going to take a final decision on the construction of mandir and masjid? And I am surprised that some of the hon. senior Members sitting in this House are supporting the stand of the BJP. The BJP had done it deliberately so as to divide the Muslims and Hindus of this country. They need no sympathy from the people of this country. The people fo this country have rejected them in the recently concluded byelections. But I am surprised that some of the political leaders are supporting the BJP leaders and telling us that they should be released by the Government. I strongly reject the suggestion made by Mr. Satya Prakash Malaviya...(*Interruptions*)

SHRI SATYA PRAKASH MALAVIYA: I have not supported the policy of the BJP Government. I was only expressing my opinion...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please..(*Interruptions*)

SHRI SATYA PRAKASH MALAVIYA: He is misquoting me...(*Interruptions*)

SHRI V. NARAYANASAMY: I am not misquoting...(*Interruptions*)

SHRI SATYA PRAKASH MALAVIYA: I am entitled to correct it. I never supported the policy of the BJP...(*Interruptions*)

SHRI V. NARAYANASAMY: He said that the entire case on the BJP leaders should be withdrawn...(*Interruptions*)

SHRI SUBRAMANIAN SWAMY: He is giving his comment. What is wrong with that?

SHRI V. NARAYANASAMY: Therefore, to set at rest the whole issue, I want the Government to take a final decision on the mandir-masjid issue so that the BJP can be starved of this issue in the coming days.

SHRI CHIMANBHAI MEHTA (Gujarat): Sir, I want to seek a few clarifications. First I would like to know as to why the BJP leaders demanded treatment above the law, that they should be released without bail. Is it permissible or has ever been done before in anybody's case that the law was not applied although a serious charge-sheet was filed against a person and he was released? So, is there any precedent? On what basis of interpretation of the law, is the demand that they should be released without bail being made? Not only that; according to me, it is an unlawful demand. Today, in the House itself, when the whole House voted for continuation of the Question Hour, the BJP disrupted the proceedings of the House in the morning. This is in defiance of the Parliamentary norms. When the voting was taken by the Deputy Chairperson, the whole House except the BJP voted for the continuation of Question Hour. Not only that, in the last Session, I had written letters to the leaders of all political parties that the Question Hour should not be disrupted and the best response came from Mr. Vajpayee. He wrote:

> "मेहता जी, इसके लिए आपको धन्यवाद। प्रश्नकाल मंत्रियों को कठघरे में रखने का समय है, वह सदस्यों का समय है, उन्हें इस तरह से डिसटर्ब नहीं करना चाहिए और मैं भी इस मत का हूं।"

But they are defying even their common sense. Therefore I would like to know as to what the motive of these people is when they defy the Parliamentary norms and are asking to be treated above the law.

Are they having a particular kind of illusion about themselves that they can

bully the judiciary, the executive and then come into limelight? I think the Government has taken a correct stand. It was a correct stand that the leaders of the BJP could be freed on bail. The CBI did agree to giving them bail. That is a most liberal treatment which can be offered under the law. But they wanted unconditional release. They were taken to a picnic resort. I am told so and I am not against taking them toca picnic resort or to some other good place. Let them stay there.

SHRI SUBRAMANIAN SWAMY: Are they served *biryani*?

SHRI CHIMANBHAI MEHTA: You can give them anything. That is another thing. You offer *biryani* or whatever you want to offer. In the meantime, the political situation has improved for them.

According to them, it is a disputed structure. Well, it is a disputed structure. It is a dispute because a dispute is created. If it is so, then why did they demolish the Ram Mandir also? According to them, it was a Ram Mandir because there was a Ram's *moorthi* inside the mosque. Then, why did they demolish the Ram Mandir also?

SHRI SATYA PRAKASH MALAVIYA: Ram is now under the open sky.

SHRI CHIMANBHAI MEHTA: Why is this barbaric act of demolishing a religious place? They say that Hindu temples in Kashmir were demolished. It may or may not be wrong. If deomlition of Hindu temples in Kashmir is a barbaric act, then demolition of a masjid is also a barbaric act. The hon. Home Minister is here. I would like to request him to come with another statement.

The Prime Minister, as I understand, has never offered reconstruction of the masjid at the original place. I have been reading his statements all the time. So far, nobody has been able to say that the mosque was built in a place where a mandir existed. Let all other political parties come out. Let them say if they want it to be built in the original place Is it possible? The Home Minister has made a statement in the other House. This House is also equally important. So, you kindly make a statement here You also clarify why they are demanding a treatment above the law.

PROF. SAURIN BHATTACHARYA: As I tried to say at the very beginning I would have liked if the Home Minister with his factual statement had confronted the BJP. But, anyway, they have for the time being evaporated. They are not here. But I have certain questions in connection with the statement made by the Home Minister. One question is—it is not arising out of the statement proper but it is very much in the background—rebuilding the mosque on the site where it existed, that is, from where it was demolished by those who were before the Court, before the Chief Judicial Magistrate yesterday. What is true about it? Just taking the plea of the Supreme Court reference Will there be prevarication in this regard? It must be reiterated that in this matter we don't absolve the Central Government which was even then presided over by the same Prime Minister and had the same Home Minister. For more than six hours, intelligence was reaching them. And layer by layer or brick by brick, the structure was allowed to be brought down when 195 companies of the para-military forces were standing by. The difference between the dismissal of the State Government a few hours earlier or a few hours later was the Babri Masjid structure which fell within that stipulated period. On that count, the Government cannot escape the responsibility. And in spite of not an altogether bad showing in the hustings as there should have been, It should say, the Government has no reason for satisfaction from the people's verdict. They have given a bad mauling to the BJP, no doubt, but, at the same time, the Congerss also has not been spared. That has to be kept in mind.

Secondly, here in the statement, it has been said that on the 7th of December, certain accused were to appear before the court. The questions of charge-sheet, etc. have arisen. In the statement of the Home Minister, the question of charge-sheet is not there. Mr. Vishvjit

Singh raised the question of Lalitpur. In connection with yesterday's controversy, the issue has cropped up whether at Lalitpur, there was nobody from the side of the Government to demand the remand and, therefore, they were let off. There was nothing to keep them confined. Was that a fact? What are the facts of the case? In this particular case, so far as the facts go, undoubtedly, nobody is above the law. And, therefore, whether it is Mr. Advani or it is the other leaders of the BJP or the Bajrang Dal, all of them could be kept in jail. That goes without saying. The court has the power, and the court has exercised that power because they did not respond to the question of remand. But you have to explain to the House how the case is proceeding with the lower court, how long it will take for the case to be committed, if at all necessary, but the lower court. The first anniversary has been over with attacks on the Rajdhani Express, the Flying Queen, the AP Express, etc. Even after one year, why has the case not reached a final stage? Why is the delay? I am not interested in bifurcation or trifurcation or things like that. (Time bell). Therefore, kindly explain that aspect also whether the case is effectively dealt with, with a view to ending the case within a comparatively short period. Thank you.

श्रीमती सत्या बहिन : (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, आपका बहुत धन्यवाद कि आपने मुझे बोलने का समय दिया ।

मान्यवर, माननीय गृह मंत्री जी द्वारा सदन में दिए गए इस बयान को देख कर कम से कम मुझे तो बड़ी निराशा हुई और मैं समझती हूं कि जो अपराधी हैं, जिनके संबंध में यहां पर बयान दिया गया है वह अपने राजनीतिक कद और पद के कारण कानून से खिलवाड़ करना चाहते हैं । लेकिन मैं यह जानना चाहती हूं कि सी०बी०आई० और सरकार को भी इस मामले को और इन लोगों को हल्के तरीके से नहीं लेना चाहिए। इस चुनाव से भी यह स्पष्ट हो चुका है कि जनता भी इस पक्ष में है कि कानून के मुताबिक अपराधियों को सजा मिलनी ही चाहिए । इन्होंने जो देश की एकता और अखंडता को तोड़ने की कोशिश की, साम्प्रदायिक सद्भाव को धक्का पहुंचाया है 6 दिसम्बर को वह उनकी एक सोची-समझी चाल थी । इससे ऐसा लगता है कि इनकी कानून और संविधान में कोई आस्था नहीं है । 6 दिसम्बर को जिस दिन इन्होंने जघन्य कांड किया उस दिन बाबा साहेब अम्बेडकर जो भारतीय संविधान के निर्माता थे, उनकी पुण्य तिथि थी । इन्होंने जानकर उस दिन को चुना । मैं यह जानना चाहती हूं कि आप इन अपराधियों पर राष्ट्रद्रोह का मुकदमा चलायेंगे या नहीं ? इन्होंने जो अपराध किया वह राष्ट्रद्रोह से कम नहीं है । इन्होंने न केवल देश के ऊपर कलंक लगाया है बल्कि हमारे देश की मर्यादा, हमारे देश की प्रतिष्ठा को दूसरे देशों में गिराया है। इन्होंने 6 दिसम्बर, को, 7 दिसम्बर को यह कहा था, सदन में भी कहा और सदन के बाहर भी कहा कि हमें इसके लिए बड़ा खेद है और यह घटना दुर्भाग्यपूर्ण है । इसके तुरन्त बाद यह कहने लगे कि यह कार सेवकों ने किया है, हालांकि इनके उकसाने पर किया है, इसलिए वह कहते है बड़ा बहादुरी का काम किया है। इस काम को राष्ट्रीय गौरव का काम बताया । इससे स्पष्ट है कि इन्होंने उनको उकसाया । इनको किसी तरह की शर्म या लज्जा नहीं है । इस किये पर कोई पछतावा नहीं है ।

बार-बार आर०एस०एस० और बजरंग दल के लोग कहते हैं कि अभी कांशी और मथुरा बाकी है। मैं जानना चाहती हूं कि केन्द्रीय सरकार ने इसके लिए क्या उपाय किये हैं, क्या व्यवस्था की है ? केन्द्रीय सरकार इनके विरुद्ध क्या कार्रवाई करने जा रही है ? भारतीय संविधान में यह व्यवस्था है, साधारण व्यक्ति भी जानता है कि अगर कोई मर्डर करने से पहले किसी को धमकाता है कि हम तुम्हारा मर्डर कर देंगे तो वह कानून के हिसाब से अपराधी है। ये लोग अपराधी हैं इसलिए मैं जानना चाहती हूं कि इन लोगों के खिलाफ क्या कार्रवाई की जा रही है। मैं साथ ही यह चेतावनी भी देना चाहती हूं कि अगर अभी से नहीं चेते तो यह अयोध्या कांड फिर से दोहराया जा सकता है। मैं यह कहना चाहती हूं कि

[श्रीमती सत्या बहिन]

देश की जनता आपके साथ है। पांच राज्यों में जो चुनाव हुए उनसे यह स्पष्ट है कि जनता आपके साथ है। मैं यह जानना चाहती हूं गृह मंत्री महोदय से कि इनके साथ अपराधियों की तरह से पेश आयेंगे या नहीं ताकि देश की एकता और अखंडता बरकरार रहे ?

श्री मोहम्मद खलीलुर रहमान (आंध्र प्रदेश) : जनाब वाइसचेयरमैन, आज के अखबारात और आनरेबल होम मिनिस्टर साहब की स्टेटमेंट से यह जाहिर हो रहा है कि कल जब लखनऊ में पेशी थी उस समय बी.जे.पी. के लीडर्स को गिरफ्तार किया गया चार्जशीट के मुताबिक। वहां की आनरेबल कोर्ट ने इनको बेल दे रखी थी मगर इन्होंने पर्सनल बांड और सियोरिटी देने से इन्कार किया। यह बड़े ताज्जुब की बात है। खासतौर से बी.जे.पी. के लीडर्स और बी.जे.पी. के लोग यह कहते हैं कि वह बड़े एजुकेटेड हैं, एनलाइटेड हैं। मगर ताज्जुब है कानून से बालातर किस तरह से यह हो सकते हैं। कानून अपना काम करेगा। इस सिलसिले में हम को कुछ कहने की जरूरत नहीं है। यह मुकदमा पेशी बाबरी मस्जिद की शहादत के ठीक एक साल के बाद की गई है। मैं आनरेबल मिनिस्टर साहब से यह पूछना चाहूंगा कि आप इसमें कितने सीरियस हैं ? मैं यह जानना चाहता हूं कि कब चार्जशीट पेश की गई थी और 7-12-93 को जो पेशी थी क्या यह पहली पेशी थी ? चार्जशीट पेश होने के कितने दिन बाद पेशी रखी गई थी यह मैं जानना चाहूंगा।

म०प० 6.00

दूसरी बात यह है कि इसमें यह बात नहीं बताई गई है कि किन आफेन्सेस के तहत इनको गिरफ्तार किया गया है। आपने अपने स्टेटमेंट में यह भी कहा है कि सी.बी.आई. के काउन्सल ने कोई आब्जेक्शन नहीं किया कि इनको बेल पर न छोड़ा जाय। अगर बेलेबल आफेन्स है तो बात समझ में आ सकती है। सी.बी.आई. के वकील ने कोई आब्जेक्शन नहीं किया, ठीक है, मुनासिब है। लेकिन फर्ज कीजिए नानबेलेबल आफेन्स है तो समझ में आने वाली बात नहीं है। क्यों सी.बी.आई. के वकील ने आब्जेक्शन नहीं किया ? इससे खुद गवर्नमेंट की सीरियसनैस का अंदाजा लिया जा सकता है। मैं आनरेबल होम मिनिस्टर साहब से दर्खास्त करूंगा कि आप अपने जवाब में यह जरूर बतायें कि जिन बातों के तहत चाज शीट पेश की गई थी और कोर्ट के जानिब से स्यूरिटी बोण्ड गवनमेंट के आर्डर से किये गये थे तो उसका भी इसमें जिक्र नहीं है। इसलिए मैं अपील करूंगा कि जब आपने मुकदमा दायर किया है तो इसमें आप सीरियस हो जाइये और इंतिहाई संजीदगी के साथ मुकदमे की पैरवी किजिए। जहां तक अवाम का सवाल है, अभी हाल में यू.पी. के इंतखाबादात में अपना फैसला दे दिया है और तमाम उन बातों को, ताकतों को जो बाबरी मस्जिद की शहादत में शामिल थे उन सब को सजा मिल चुकी है। अब कानून को अपना काम करना है। मुझे पूरी तवक्कू है कि आप इस सिलसिले में संजीदगी के साथ पैरवी करेंगे।

قمری محمد خلیل الرحمن (آندھرا پردیش) : جناب وائس چیرمین آج کے اخبارات اور آنریبل ہوم منسٹر صاحب کی اسٹیٹمنٹ سے یہ ظاہر ہو رہا ہے کہ کل جب لکھنؤ میں پیشی تھی اس سمے بی جے۔ پی۔ کے لیڈرس کو گرفتار کیا گیا چارج شیٹ کے مطابق وہاں کی آنریبل کورٹ نے ان کو بیل دے رکھی تھی۔ مگر انہوں نے پرسنل بانڈ اور شیوریٹی دینے سے انکار کیا یہ بڑے تعجب کی بات ہے۔ خاص طور سے بی۔ جے۔ پی۔ کے لیڈرس اور بی۔ جے پی کے لوگ یہ کہتے ہیں کہ وہ بڑے ایجوکیٹڈ ہیں۔ انلائٹنڈ ہیں۔ مگر تعجب ہے قانون سے بالاتر کس طرح سے یہ ہو سکتے ہیں۔ قانون اپنا کام کرے گا۔ اس سلسلے میں ہم کو چنداں کچھ کہنے کی ضرورت نہیں ہے۔

آنریبل ہوم منسٹر صاحب سے درخواست کروں گا کہ آپ اپنے جواب میں یہ ضرور بتائیں کہ جن باتوں کے تحت چارج شیٹ پیش کی گئی تھی اور کورٹ کی جانب سے شیوراج بانڈ گورنمنٹ کے آرڈر سے کئے گئے تھے تو اس کا بھی اس میں ذکر نہیں ہے۔ اس لیے میں اپیل کروں گا کہ جب آپ نے مقدمہ دائر کیا ہے تو اس میں آپ سیریس ہو جائیے اور انتہائی سنجیدگی کے ساتھ مقدمے کی پیروی کیجیے۔ جہاں تک عوام کا سوال ہے۔ ابھی حال میں۔ بی۔ جے۔ پی کے انتخابات نے اپنا فیصلہ دے دیا ہے اور تمام ان قوتوں کو۔ طاقتوں کو جو بابری مسجد کی شہادت میں شامل تھے ان سب کو سزا مل چکی ہے۔ اب قانون کو اپنا کام کرنا ہے مجھے پوری توقع ہے کہ آپ اس سلسلہ میں سنجیدگی کے ساتھ پیروی کریں گے۔

"ختم شد"

یہ مقدمہ بابری مسجد کی شہادت کے ٹھیک ایک سال کے بعد کی گئی ہے۔ میں آنریبل منسٹر صاحب سے یہ پوچھنا چاہوں گا کہ آپ اس میں کتنے سریس ہیں۔ میں یہ جاننا چاہتا ہوں کہ کب چارج شیٹ پیش کی گئی تھی اور ۹۳-۱۲-۷ کو جو پیش تھی۔ کیا یہ پہلی پیشی تھی۔ چارج شیٹ پیش ہونے کے کتنے دن بعد پیشی رکھی گئی تھی یہ میں جاننا چاہونگا۔

دوسری بات یہ ہے کہ اس میں یہ بات نہیں بتائی گئی ہے کہ کن آفنسز کے تحت انکو گرفتار کیا گیا ہے۔ آپ نے اپنے اسٹیٹمنٹ میں یہ بھی کہا ہے کہ سی۔ بی۔ آئی کے کاؤنسل نے کوئی آبجیکشن نہیں کیا کہ انکو بیل پر نہ چھوڑا جائے۔ اگر بیل ایبل آفنس ہے تو بات سمجھ میں آسکتی ہے۔ سی۔ بی۔ آئی کے وکیل نے کوئی آبجیکشن نہیں کیا۔ ٹھیک ہے۔ مناسب ہے۔ لیکن فرض کیجیے نان بیل ایبل آفنس ہے تو سمجھیں آنے والی بات نہیں ہے۔ کیوں سی۔ بی۔ آئی کے وکیل نے آبجیکشن نہیں کیا۔ اس سے خود گورنمنٹ کی سیریس نیس کا اندازہ لیا جاسکتا ہے۔ میں

श्री चतुरानन मिश्र : बिहार) उप सभाध्यक्ष महोदय, मैं मुकदमे की मैरिट के बारे में कुछ नहीं कहना चाहता हूं क्योंकि उसके लिए तो मजिस्ट्रेट और जज बैठे हुए हैं वे उसका फैसला करेंगे और देखेंगे कि क्या स्थिति है। वैसे मेरी निश्चित राय है। चूंकि मामला कोर्ट में है, इसलिए मैं सदन में कुछ नहीं करना चाहता हूं। लेकिन एक बात जरूर है। मैं यह कहना चाहता हूं कि कम से कम यू० पी० की एक तिहाई जनता को अभी भी शक है कि इन लोगों ने बाबरी मस्जिद तोड़ी या नहीं तोड़ी, तभी तो लोग उनको वोट दे रहे हैं। इसलिए सरकार के पास कोई सबूत है तो यह कोर्ट के जरिये फैसला हो सकता है ताकि एक तिहाई जनता को समझ आ जाय कि क्या हुआ है। अगर मैं बी.जे.पी. का लीडर होता तो स्वीकार कर लेता कि अच्छा है मुकदमा चलाया जाय और हमारे ऊपर से पर्दा हट जाय। उनको मालूम है कि उन्होंने यह किया है। कोई भी आदमी जिस पर इतना बड़ा कलंक लग जाय वह खुद कहेगा कि ठीक है, इसकी जांच कोर्ट कर ले। वे खुद जानते हैं कि वे ऐसा कर रहे हैं और वे ही लोग ऐसा कह सकते हैं। लेकिन मैं एक दो बातें पूछना चाहता हूं। हम जानते हैं कि आपने उनके खाने पीने का तो इंतजाम कर दिया होगा, इसका हमें पूरा भरोसा है। वे लोग आनरेबल मेम्बर हैं। वैसे आप रोज रोज प्रेस कांफ्रेंस करने की इजाजत देते रहे हैं, क्या अब भी आप उनको इसकी इजाजत देंगे या नहीं, यह हम जानना चाहते हैं। इसके साथ ही क्या रोज रोज आप वहां भीड़ इकट्ठा होने देंगे और नारे लगाने देंगे या नहीं लगाने देंगे, यह भी हम जानना चाहते हैं। इस सदन में यह सवाल उठगा कि वे स हाउस के आनरेबल मेम्बर हैं, उन को पार्लियामेंट में आने दिया जाय। इसलिए उनको नारे लगाते हुए यहां आने की आप इजाजत देंगे या नहीं, यह भी साफ कर दिया जाय। माननीय सदस्यों ने कहा कि सख्ती से कार्यवाही की जाय... (**व्यवधान**)। मंशा तो खराब कब था और जैसा पहले था, शायद अब भी वही होगा। यह एक अलग बात है। लेकिन माननीय सदस्यों ने कहा कि सख्त कार्यवाही की जाय। अगर आपको ऐसा करना है तो क्या आप उनको प्रस कांफ्रेन्स करने की इजाजत देंगे, भीड़ लगाने की इजाजत देंगे और उनके पार्लियामेंट में नारे लगाते हुए आने की इजाजत देंगे? दूसरा क्लेरिफिकेशन मैं यह चाहता हूं कि हम भी अंग्रेजों के जमाने से आज तक जेलों से छूटते रहे हैं, लेकिन क्या आपका इस संबंध में कोई एक्शन प्लान है? क्या क्या होने जा रहा है, आपके पास खुफिया विभाग है, आप उनको तनख्वाह देते ही हैं, रिपोर्ट आती हैं या नहीं, हम नहीं जानते हैं। क्या क्या खुराफातें इस देश में होने वाली है, इसको भी आप जरा बता दीजिये कि इस बारे में आपके पास क्या रिपोर्ट है। क्योंकि कल क्या क्या होगा यह हम जानना चाहेंगे ताकि कुछ प्रिवेंटिव एक्शन भी दूसरे लोग ले सकें। क्या इस सब की उनकी कोई तैयारी है? अगर उनके नेता अचानक कोई ऐसा काम कर दें कि हम जेल में ही रहेंगे यह तो हम नहीं जाते हैं कि जेल में ही रहेंगे और वहां से कोई नारा देंगे। वैसे वे आज यहां पर नारा लगा रहे थे कि वापस करो, वापस करो। तो हमको लगा कि इन लोगों की जमानत जब्त हो गयी है, गौतम जी कह रहे थे कि वापस करो वापस करो। इसमें हमें क्या एतराज हो सकता है।

हम जानना चाहते हैं कि उनका ऐक्शन प्लान क्या है। इससे देश को वाकिफ कीजिये। जितना आपने बयान में दिया है, वह सब अखबारों में पहले ही आ चुका है। आपको देश को वार्न कर देना चाहिये कि इसके बाद क्या होने जा रहा है।

एक बात मैं और कहना चाहता हूं। यू०पी० में अभी एक नयी सरकार बनी है। वह सरकार जो बनी है उसमें हरिजन हैं, बैकवर्ड कम्यूनिटी के लोग हैं जो बहुत सताये हुए हैं। उन्होंने

उन्होंने आज गद्दी संभाली और दूसरे दिन बाद यह लोग हंगामा कर रहे हैं, वे लोग जिनके पास अपर कास्ट के लोग हैं। आप जानते हैं जिनको आपने अरेस्ट किया है वे मात्र पढ़ने वाले लोग हैं, यह आप जानते हैं।

श्री सत्य प्रकाश मालवीय : विनय कटियार बैकवर्ड है।

श्री चतुरानन मिश्र : जो मंत्र पढ़ने वाले ब्राह्मण हैं, उनके पीछे चेले चलते ही हैं।

इसलिये हम आपसे जानना चाहते हैं कि अगर कल ही वहां टकराव हो जाय, आज ही आपको सूचना देनी चाहिये थी कि लखनऊ में एक्चुअली क्या हुआ। हमारे लिहाज से बंद नहीं हो सकता, वहां टकराव होगा। वहां की सरकार अभी गद्दी पर बैठी है और आप यहां पर बयान दे देंगे लेकिन असल लड़ाई उनको लड़नी है। वहां टकराव होगा। वैसे बी.जे.पी. में कोई सेंसिबल आदमी है तो उससे हम अपील भी करेंगे लेकिन यह वक्त नहीं है जो वहां पर नयी नयी सरकार बैठी है, उसके साथ टकराव किया जाय। उनकी अक्ल पर हमको पहले भी भरोसा नहीं था जो आज हम भरोसा करें। लेकिन आप से अर्ज करेंगे कि क्या कोई ऐसी भावना है कि इसके बारे में आप सख्ती से कार्यवाही करें।

आखिर में मैं आपसे यह पूछना चाहता हूं कि यह मंदिर मस्जिद वाला सवाल, क्या इरादा है आपका ? अगले चुनाव तक ले चलियेगा इसको या बीच में ही इसका हल निकालेंगे। अगर यह इरादा है कि नहीं, ऐसा ही चलायेंगे, 25-50 वर्षों तक, चुनाव होते रहें कोई कहे कि मंदिर नहीं था, कोई कहे कि मस्जिद नहीं थी, कोई कहे कि मंदिर यहां बनेगा कोई कहे कि मस्जिद यहां बनेगी, फिर कहेंगे कि हमने कहा था कि बनायेंगे और उसे अयोद्धा में न बनाकर श्रीलंका में बना देंगे। तो जो आपको करना है, उसको आप जल्दी से साफ कर दीजिये। आप सुप्रीम कोर्ट को कहें कि वह इस बारे में अपनी राय जल्दी से जल्दी दे दें और इसका हल वह दो-चार महीने में कर दें। फिर आगे के लिये तो आप कानून बना ही चुके हैं, मथुरा और काशी के बारे में लेकिन यह भी देखिये कि इसको आगे नहीं उठाया जायेगा।

इन्हीं बिन्दुओं पर आपसे हम सफाई चाहेंगे। धन्यवाद।

SHRI VITHALBHAI M. PATEL (Gujarat): Mr. Vice-Chairman, only one question I am asking:

Mr. Advani, requesting that they should be releasd without bail, said in the court yesterday, "We are fighting a political battle. Let us on politically." What type of political battle are they going to fight in the court? Are they fighting a temple battle, Ram battle or a political battle?

SHRI M. A. BABY (Kerala): Sir, I expected that some other Member, perhaps, would deal with this particular point. Therefore, I seek your indulgence.

There is a general consensus, thanks to the absence of our friends on our right-hand side, that the force vomitting communal venom should be dealt with seriously. And what has happened one year ago was something which can be only compared to the assassination of the Father of the Nation, Mahatma Gandhi, as has been rightly pointed out by the hon. Chairman of our House. But, Sir, what I am greatly apprehensive about is the seriousness with which the Central Government is moving on this particular matter. In this regard I would like to recall what happened when the Janata Government was brought to power the 1977 elections. I consider the declaration of internal emergency as the greatest crime committed in our country, but the callous way in which the crime committed during the emergecy was dealt with including the arrest of Mrs. Gandhi along with the miserable

[Shri M. A. Baby]
performance of the then Janata Government helped to a great extent in the coming back of Mrs. Gandhi to power. Similarly I am apprehensive whether the mishandling of the whole case is another political crime committed by Bharatiya Janta Party, the VHP, the RSS and so on. The way in which the Central Government handlass the whole issue can give a send life to the otherwise demoralised and defeated forces of communalism. So, what is the comprehensive approach of the Central Government in dealing with thecommunal venom, if they are serious about that? In this context I would like to cite the whole approach that the Central Government has been taking, especially the way in which the Central Government has been succumbing to the malicious campaign by forces like that of the BJP. I am just citing a concrete example and and I also want an assurance from the Minister.

THE VICE-CHAIRMAN (SHRI MD. SALIM): You please ask for clarifications.

SHI M. A. BABY: The BJP and the communal forces have been indulging in disinformation with regard to the campaigns undertaken by the secular forces. For example, on last August 15, secular forces, progressive forces, democratc forces, in order to propagate communal amity, organised functions in different parts of the country and as a part of the programme they had put up an exhibition brining out.. (Interuptions)

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please confine yourself to the Statement. Is there any any question on the Statement?

SHRI M. A. BABY: I am strictly in relation to the Statement only, because the Minister himself has requested the hon. Membrs to coensidr the whole issue in the proper perspective. The Minister has made a request

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please confine yourself to the point.

SHRI M. A. BABY: I will take only one minute. The Central Government at that point of time chargesheeted those who had been putting up a sincere effort to...

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS SHRIMATI MARGARTE ALVA): They created more of communal disharmony by claiming that Rama Sita were brother and sister. (Interruptions)

SHRI M. A. BABY: In that relation I want to state that Vivekananda Rock Foundation Committee in the year 1970.

SHRI VISHVJIT P. SINGH: Is this your political speech in favour of an organisation which is headed by Mr. Baby or you are going to seek clarifications? There is a certain limit to the leaders you can allow, Mr. Vice-Chairman. My honest request to you is, kindly restore the dignity of the House.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please put your questions for clarification.

SHRI M. A. BABY: I am just putting my question. In view of the fact that in 1970 the Vivekananda Rock Foundation published a book with prominent people, including Mr. Vishnu Hari Dalmia as one of the publishers and the publishing house of that committee, in view of the fact that that book also contained parts of the different versions of Ramayana, the Dasharatha Jataka a copy of which I am having with me and I can table it here, and in view of the fac tthat this has beenincorporated in all authentic books which are available in the Parliament Library also, the interpretaion given by Dasharath Jataka, will the Government withdraw the charges against theorganisation, Sahmat, both in Delhi and in Uttar Pradesh? This is my pointed question.

SHRI S. B. CHAVAN: Mr. Vice-Chairman, Sir, I am sorry that the hon.

Members on the other side are absent. In fact, it would have been better if they had been present here to put forth their point of view as to on what lines they also think about the cases which are going on before the Lucknow Magistrate.

Sir, I thought the debate was going to be confined only to the case and the question of bail application and the orders issued by the judicial magistrate for their having refused to execute a bond, as he had hardly any option but to remand them to judicial custody. But the hon. Members have been making all kinds of points here and if I do not make a reference to one or two very important issues, then, I will be doing injustice to the cause. Though they are not directly covered by the statement which I have made still I have to refer to those cases also.

Sir, first of all, let me clarify under what sections of the IPC all these 29 accused persons in this particular case have been chargesheeted. They were chargesheeted under sections 153 (A), 153 (B,) 295, 295A 505, 147, 149, 201 and some other sections of the IPC. These are very important sections under which they have been chargesheeted. Ultimately, it depends upon the court as to what view they will take. But I can ossure the hon. Members that so far as the Government is concerned, we are really very serious about this and there is no question of withdrawing the same. If it had been any other crome, certainly we would have considered whether it was proper for us to continue with the case or whether it would be in the interest of the country that we withdrew the cases and let them off. They are also not repentant. A much more serious problem is, the other day we had some kind very touchy on these issues because of the hon. Members was pleased to state that he felt that it was a very unfortunate incident. But when other hon. Members put him this question, "Whether he is prepared to condemn the same" then, of course, he said, "no".

SHRI SATYA PRAKASH MALAVIYA: I am on a point of order.

THE VICE-CHAIRMAN (SHRI MD. SALIM): What is your point of order?

SHRI SATYA PRAKASH MALAVIYA: Psease listen to my point of order.

THE VICE-CHAIRMAN (SHRI MD. SALIM): What is the point of order on clarifications?

SHRI SATYA PRAKASH MALAVIYA: I am on a point of order.

THE VICE-CHAIRMAN (SHRI MD. SALIM): After the Minister's reply you can raise it.

SHRI SATYA PRAKASH MALAVIYA: I have a right to raise a point of order.

THE VICE-CHAIRMAN (SHRI MD. SALIM): You have made your point.

SHRI SATYA PRAKASH MALAVIYA: What has been said in the other House cannot be referred to here.

SHRI S. B. CHAVAN: I can understand Mr. Satya Prakash Malaviya being very touchp on these issues because of the change in the attitude. That is very obvious to all of us that you are now thinking on different lines. I have no problem with that. You may have any kind of political thinking that you would like to have. But with reference to the repentance part of it, I was just making a reference whether they are really feeling repentant about the blunder which they have committed. If they still feel repentant about it, let them come out openly and admit the fact that they have committed a blunder and that they feel very sorry for the same. On the other hand, I find an attitude where some of the hon. Members have gone to the length of saying that it is the Central Government which is responsible for the same. When we tried to find out as to what exactly the charge that they would like to level against us was they said, "Some of the sants and Mahants have been declaring that you have to complete this and agree to certain things". And, the Central Government did not respond to them favourably. So they were feeling rather frustrated and because of the frustration, this thing has

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taken place. I am really surprised at this. In a democratic set-up, people do demand all kinds of things. Suppose, by any chance, we are not able to respond favourably to the demands of a particular section. Is it open to that section to say, "Since you are not favourably responding, we have no alternative but to resort to violence and other things". And, the Central Government set-up you can think on these lines as some hon. Members belonging to a particular party seem to think. I do not think that there is any justification for this kind of a thing. And, if they were really aware of the same, does it mean that the affidavits which were field in the Supreme Court were also falsh? That amounts to saying that at that stage you were aware that the Government had not responded favourably to the same. But, in the National Integration Council, you gave a solemn promise, solemn assurance, that the disputed structure was not going to be touched. Some of the hon. Members, both in this House as well in other House, solemnly affirmed that the disputed structure was not going to be touched. Both in the Allahabad High Court, Lucknow Bench, and in the Supreme Court, three or four affidavits had been filed wherein they had clearly stated that there was no question of disobying the orders of the Court and they were going to honour the same. In spite of that, they demolished the structure. In the beginning, they perhaps, thought that people's sympathy would not be with them. But, after some time, they started parading Mr. Kayan Singh, who was the then Chief Minister in Uttar Pradesh, as if he had performed a heroic act. And, openly he said in all public meetings, "I can accept contempt being committed against the Supreme Court, the highest court of the land, but I cannot commit the contempt of Rama". If this was the philosophy, then it clearly indicated that they were taking pride in doing this; and, he belonged to the BJP. Let any of the BJP Members say that he was not a BJP Chief Minister. The Vishva Hindu Parishad, the Bajrang Dal and all others had, in fact, been indulging in all kinds of things. In the beginning, some people said, "We were not aware of this and some how, this has started." But, how do you explain the conduct of Mr. Kalyan Singh when he openly stated this wherever he went, from north to South, east to west? And, in Calcutta, I saw the video-cassette—wherein his entire speech had been recorded—where he clearly said, "I am responsible for doing this. I cannot consider using force. I cannot commit any contempt of Rama. And that is why I had to commit the contempt of the highest judiciary". These are all admissions and there is no repentance on the part of this party. Are we going to allow this kind of a communal virus to be spread on behalf of any political party? In fact, I would like to have the views of all the hon. Members, including Mr. Satya Prakash Malaviya. Here, they have been taught a lesson by the people. The verdict of the people has gone against them. But that is not good enough, perhaps. Are they really feeling that they have committed some wrong which they have to correct now and they should not pursue the same policy? No. On the other hand, as our friend has pointed out, in the court, they have stated clearly, "This is a political game, political battle". A political battle will have to be fought in the political field. There is no doubt about it. It is not merely the court which is going to help us in the matter. All the secular forces will have to come together and put up a united fight against all these communal forces, whether they belong to this section or the other section. I do not think that we can acquiesce in this kind of a tendency. And if we, by any chance, were to keep quiet and allow those forces to grow, all talk about the unity and integrity of the country is going to be totally a false thing. At least I believe, hundred per cent there can be no scope for any kind of compromise on such basic issues. And that is why, where is the question of withdrawing the cases? Are you prepared to undertake that they will not spread this communal venom which they have been spreading so far?

I have nothing against the hon. Members of this House or against all other people who have been chargesheeted, but at the same time there are certain basic values which we have to understand, that these are the people who have been spreading and openly spreading this. They have now come to the conclusion that this communal card is not going to give the same kind of dividends hich they got in the previous elections. They were rather subdued. Sir, I think at this stage I would like to say that there were 29 accused persons who appeared before the Court and 13 persons were ordered to be taken into custody; amongst them these four M.Ps. are also there; 9 accused persons were released on bail on furnishing personal bonds. Mr. Vishnu Hari Dalmia an important leader of the VHP, was also released on bail. Mr. Advani and all other Members of Parliament who, in fact, at one stage were to be given a bail, had also acquiesced to some extent. I don't think that I can possibly give any details about it, but according to the information that I have, when it came to Mr. Kalyan Singh and Mr. Kalayan Singh refused to be released on bail—he was not prepared to execute a personal bond—and the personal bond is only of Rs. 1,000; and there is no other conditionality attached—since he did not give the bond and was not prepared to go on bail, all others also thereafter seemed to have changed their mind and they said, "If he is not prepared...(*Interruption*)...

SHRI CHATURANAN MISHRA: This was announced much earlier that they would not take bail.

SHRI S. B. CHAVAN: Actually I do not know; I won't be able to authenticate the same, but this was my information. Now it is a simple question, whether they were refused bail or whether the bail was offered to them and they did not avail of the same. The fact still remains that after all, they are hon. Members of this House and the other house and the bail proceedings are actually required for ensuring the Court that they are going to appear before the Court on the next day. That is the only purpose behind granting or not granting the bail Being Members of this House there was hardly any reason to believe that they were going to abscond or they were not going to appear before the Court and that is why it was entirely left to the discretion of the Court to take whatever decision the Court wants to take.

Sir, there was another point which was referred to. I do not know why some of the hon. Members are repeatedly saying the same thing over and over again, though I had made a statement about whether the Prime Minister had made any kind of a promise to reconstruct at the same site. This was the issue which unfortunately had been creating some kind of a controversy. I must take this opportunity to again, though I had made a go through the statement made by the Prime Minister, and what I said, there is no conflict between the two; there is nothing which I have stated which is against what the Prime Minister said. There is no contradiction between the two. If you go through it properly, I am sure, everybody will be able to understand it. We are not opposed to either the masjid or the mandir being constructed at that place, provided we get a clear direction from the Supreme Court. The Supreme Court has to opine under Article 143; a reference has been made; we are trying to expedite the whole issue. One of the issues which whole issue. One of the issue which is whether the opinion of the Supreme Court is going to be binding on the parties. So far as the Government of India is concerned, we have clearly stated that though the opinion is not binding according to article 143, whatever opinion the Supreme Court gives, we consider that we are bound by the opinion given by the Supreme Court. So, if it is a masjid, certainly a masjid can be constructed in that area. If they give an opinion that it is a mandir, it can also be constructed there. If what it is going to be I cannot possibly say at this state. That is why some hon. Members have some kind of misunder-

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standing on that score that having said this we are now trying to go back, which is not borne out by facts. That is the only point about which I thought I should just make a mention.

In a very jocular manner our esteemed friend, Shri Chaturanan Mishra, asked whether they were going to be allowed to have a press conference or all other facilities. Of course, so far as food and other matters are concerned, we can be liberal with them. But I don't think that any press conference, for that matter, can be allowed to those people who are in judicial custody. They are in jail and whatever is allowed for others will be allowed to them also. Their relatives can go over there and meet them. But we cannot give any other facilities which they would like to have.

I am nobody to say whether ultimately it is going to end in a conviction or not. The Government will try its level best to see that on the charges which are framed against them necessary evidence is collected and put before the cout. I can only assure the hon. House that we will diligentlye follow this and see that all the materials which are required for getting a conviction under the sections are collected and put before the court. It is ultimately for the court to decide whether it should end in a conviction or not. Of course, I cannot, at this stage, say anything about the reference under article 138(2). Now if we try to reverse the whole process. I am sure it is going to take more time than the time which it is going to take under article 143. So, we don't propose to follow that course.

I think these are the most important issues which were raised by the hon. Members. I have tried to explain the position to the extent possible.

THE VICE-CHAIRMAN (SHRI MD. SALIM): The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at thirty minutes past six of the clock till eleven of the clock on Thursday, the 9th December, 1993.

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